

PATENT/Docket No. 6322.N  
Appl. No. 10/076,708  
Filing Date: 02/15/2002  
Reply to Office Action of August 19, 2003



41

\$1646

**CERTIFICATE OF MAILING (37 CFR 1.8)**

Date of Deposit with U.S. Postal Service: October 20, 2003

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail under 37 CFR 1.8 on the date indicated above and is addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Julie K. Lyons, Legal Assistant

Name of Person Mailing Paper

Signature Julie K. Lyons

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Art Unit : 1646  
Examiner : Olga N. Chernyshev  
Applicant(s) : SK Sharma, KB Rank  
Serial Number : 10/076,708  
Filed : 02/15/2002  
For : ASSAYS FOR ASSESSING A $\beta$ -TAU AGGREGATION

**RECEIVED**

NOV 10 2003

TECH CENTER 1600/2900

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL OF A RESPONSE TO A NON-FINAL ACTION (37 CFR 1.111)**

Sir:

Transmitted herewith is a reply and/or amendment in the above-captioned application in response to the Examiner's action dated August 19, 2003.

☒ [X] The reply and/or amendment is being filed under 37 CFR 1.8 and the required Certificate of Mailing appears above.

☐ [ ] An additional fee in the amount of \$ is required for the amended claims presented and has been calculated as shown in the attached sheet.

Please charge Deposit Account No. 21-0718 in the amount of the additional fee above, or such greater or lesser amount of excess fees for claims as the Commissioner determines is required by law. Triplicate copies of this sheet are enclosed.

10/29/2003 LWONDIM1 00000088 210718 10076708

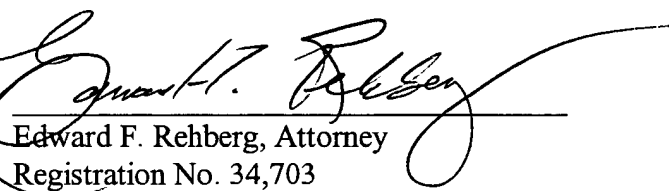
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Form 111  
5/27/03

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Appl. No. 10/076,708  
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**EXTENSION OF TIME.** In the event this paper is not filed prior to the time set for response, applicant(s) hereby petition for an extension of the period for filing the attached reply and/or amendment to the date of filing this paper, and hereby authorize the Commissioner to charge the extension fee as may be required by 37 CFR 1.17, to Deposit Account No. 21-0718. If for any reason the extension requested above is insufficient to extend this period to the date of this paper, applicant(s) hereby petition for the revival of the above-captioned application as having been unintentionally abandoned and authorize the Commissioner to charge the required fees under 37 CFR 1.17 to Deposit Account No. 21-0718.

Respectfully submitted,

  
\_\_\_\_\_  
Edward F. Rehberg, Attorney  
Registration No. 34,703

Date: 10-20-2003

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Enclosures:

Reply/Amendment

☐ Calculation of Additional Fees for Amended Claims



**PATENT**/Docket No. 6322.N  
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Page 1

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Sir:

This is in response to the office action mailed 19 August 2003 in the above-identified application, with the shortened statutory period for response being until 19 September 2003. A request for a one month extension of time for response is included herewith to extend the period for response to 20 October 2003 (19 October 2003 was a Sunday).

**Election**

Group 1 is provisionally elected with traverse.

**Traversal of the Restriction Requirement**

The claims are related as genus and species. Claim 1 is a proper linking or generic claim as defined in MPEP § 806.04 because dependent claims which recite species SEQ ID NOS: 2, 4, 6 contain all the limitations of Claim 1 which recites the genus "tau" SEQ ID NOS: 2, 4, 6 as noted in the specification simply refer to different isoforms of tau and as such are so related as to be encompassed by the generic recitation of "tau" in claim 1.

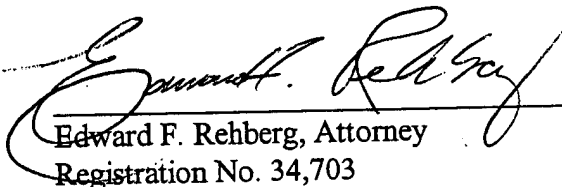
Applicants point the Examiner to 37 C.F.R. §1.141 which states "a reasonable number [of species], may be specifically claimed in different claims in one national application". The Examiner has ignored this rule and restricted the Applicants to a single species.

Applicants would point the Examiner to MPEP § 809 which states:

The linking claims must be examined with the invention elected, and should any linking claim be allowed, the restriction requirement must be withdrawn. Any claim(s) directed to the nonelected invention(s), previously withdrawn from consideration, which depends from or includes all the limitations of the allowable linking claim must be rejoined and will be fully examined for patentability.

Applicants assert that the restriction requirement should be deemed provisional and the provisions of MPEP § 809 be followed and that once Claim 1 is found to be allowable all dependent claims should be rejoined.

Respectfully submitted,

  
\_\_\_\_\_  
Edward F. Rehberg, Attorney  
Registration No. 34,703

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